

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 332/TL/2023

**Coram:
Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P.K. Singh, Member**

Date of Order: 5th February, 2024

In the matter of

Petition under Sections 14, 15 and 79(1)(e) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2009 for the grant of transmission licence to Beawar Transmission Limited.

And

In the matter of

Beawar Transmission Limited,
DLF Cyber Park, Tower-B, 9th Floor,
Udyog Vihar, Phase-III, Sector 20,
Gurugram, Haryana-122 008

....Petitioner

Vs

1. Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122 001
2. REC Power Development and Consultancy Limited,
D Block, REC Headquarter,
Plot No. 1-4, Sector- 29,
Gurugram, Haryana- 122001
3. Central Electricity Authority,
Seva Bhawan, R.K. Puram,
New Delhi-110016
4. Union Territory of Jammu & Kashmir,
Power Development Department,
SLDC Building, Pt Floor,
Gladani Power House,
Narwal, Jammu-180006

5. Union Territory of Ladakh,
Superintending Engineer, Distribution Circle,
Power Development Department,
Choglamsar, Leh-194101
6. Powergrid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016
7. HVDC Dadri, Powergrid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016
8. HVDC Rihand, Powergrid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016
9. Union Territory of Chandigarh,
Electricity Wing of Engineering Department,
Room No. 511, 5th Floor,
UT Secretariat (Deluxe) Building,
Sector 9D, Chandigarh-160009
10. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi-110019
11. BSES Yamuna Power Limited,
B-Block, Shakti Kiran Building,
Near Karkadooma Court, Karkadooma,
New Delhi-110092
12. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110002
13. Tata Power Delhi Distribution Limited,
NDPL house, Hudson Lines Kingsway Camp,
New Delhi -110009
14. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla, Himachal Pradesh-171004
15. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula-134109, Haryana.
16. Punjab State Power Corporation Limited,
PP&R, Shed T-1, Thermal Design, Patiala-147001, Punjab.

17. Ajmer Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar,
Jaipur-302017, Rajasthan.

18. Jaipur Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar,
Jaipur-302017, Rajasthan

19. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur-342003, Rajasthan.

20. North Central Railway,
DRM Office, Nawab Yusuf Road,
Prayagraj-211011, Uttar Pradesh

21. Uttaranchal Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Dehradun-248001, Uttarakhand.

22. Uttar Pradesh Power Corporation Limited,
(Formerly Uttar Pradesh State Electricity Board)
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226001, Uttar Pradesh.

23. A.D. Hydro Power Limited,
Bhilwara Towers, A-12,
Sector 1, Noida-201301, Uttar Pradesh.

....Respondents

Parties present:

Shri Gaurav Dudeja, Advocate, BTL
Shri Dhruval Singh, Advocate, BTL
Shri Sandeep Rajpurohit, BTL
Shri Anil Kumar Yadav, RECPDCL
Shri Yatin Sharma, CTUIL
Shri Ranjeet S Rajput, CTUIL
Shri Akshayvrat Kislay, CTUIL

ORDER

The Petitioner, Beawar Transmission Limited, has filed the present Petition for the grant of a transmission licence under Sections 14 and 15 of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence

and other related matters) Regulations, 2009 (hereinafter referred to as “Transmission Licence Regulations”) to establish the Inter-State Transmission System in respect to the "Transmission System for Evacuation of Power from REZ in Rajasthan (20 GW under Phase III-Part F” (“the Project”) on Build, Own, Operate and Transfer (BOOT) basis (hereinafter referred to as “the Project”) consisting of the following elements:

Transmission System Evacuation of Power from REZ in Rajasthan (20GW) under Phase III Part F		
S. No.	Name of Transmission Element	Scheduled COD in months from Effective Date
1.	<p>Establishment of 2x1500MVA 765/400kV Substation at suitable location near Beawar along with 2x330 MVAr 765kV Bus Reactor & 2x125 MVAr 420kV Bus Reactor.</p> <ul style="list-style-type: none"> • 765/400kV 1500 MVA ICTs: 2 nos. • (7x500 MVA, including one spare unit) • 330 MVAr, 765 kV bus reactor- 2 nos. • (7x110 MVAr, including one spare unit) • 765kV ICT bays – 2 nos. • 400 kV ICT bays – 2 nos. • 765 kV line bays – 6 nos. • 400kV line bay – 2 nos. • 765kV reactor bay – 2 nos. • 125 MVAr, 420kV bus reactor – 2 nos. • 420 kV reactor bay – 2 nos. <p>Future provisions: Space for</p> <ul style="list-style-type: none"> • 765/400kV ICTs along with bays: 2 nos. • 765kV line bay along with switchable line reactor: 8 nos. • 765kV Bus Reactor along with bays: 2 nos. • 400/220 kV ICTs along with bays: 2nos. • 400 kV line bays along with switchable line reactor: 4 nos. • 400kV Bus Reactor along with bays: 1 no. • 220 kV line bays: 4 nos. 	18 months
2.	LILO of both circuit of Ajmer-Chittorgarh 765 kV D/c at Beawar	
3.	LILO of 400kV Kota –Merta line at Beawar	

4.	Fatehgarh-3– Beawar 765 kV D/c along with 330 MVAR Switchable line reactor for each circuit at each end of Fatehgarh-3– Beawar 765 kV D/c line <ul style="list-style-type: none"> • Switching equipment for 765 kV 330 MVAR switchable line reactor –4 nos. • 765 kV, 330 MVAR Switchable line reactor- 4 nos. 	
5.	± 2x300MVAR STATCOM, 4x125 MVAR MSC, 2x125 MVAR MSR at Fatehgarh- 3 PS along with 2 nos. of 400 kV bays at Fatehgarh-3 PS	24 Months

Note:

- (i) POWERGRID to provide space for 765kV switchable line reactors at Fatehgarh-3 S/s (for 765kV Fatehgarh-3 PS – Beawar D/c line) for which no cost is envisaged. Two (02) nos. 765 KV line bays at Fatehgarh-III PS for interconnection of Fatehgarh-3– Beawar 765 kV D/c line is under the scope of M/s POWERGRID.
- (ii) ±300 MVAR STATCOM should be placed in each 400-kV bus section of Fatehgarh-3 PS (Phase-III Part E1).
- (iii) POWERGRID shall provide space at Fatehgarh-3 S/s for STATCOM along with MSC & MSR and associated 400kV bays.

2. The Petitioner has made the following prayers:

- (a) Grant transmission licence to the Petitioner;
- (b) Allow sharing and recovery of the Transmission Charges for Inter-State Transmission System for establishment of “Transmission System for Evacuation of Power from REZ in Rajasthan (20 GW) under Phase III-Part F” as per the CERC (Sharing of Inter-state Transmission Charges and Losses) Regulations, 2020 and any other amendments issued thereon from time to time by the Commission;
- (c) Condone any inadvertent errors omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter these filings and make further submissions as may be required going forward; and
- (d) Pass such other order(s) as this Commission may deem fit and proper in the facts and circumstances of this case.”

Hearing dated 6.12.2023

3. During the course of the hearing on 6.12.2023, the learned counsel for the Petitioner submitted that the Petitioner has already complied with all the requirements under the Transmission Licence Regulations, and CTUIL has

submitted its recommendations for the grant of a transmission licence to the Petitioner under Section 15(4) of the Act.

4. Vide Record of Proceedings for the hearing dated 6.12.2023, notices were issued to Respondents to file their reply, if any. No reply has been received from them.

5. CTUIL, vide Record of Proceedings for the hearing dated 6.12.2023, was directed to submit on an affidavit a copy of the approval of the Central Government approving the transmission scheme in terms of the Electricity (Transmission System Planning, Development and Recovery of Inter-State Transmission Charges) Rules, 2021 notified by the Ministry of Power on 1.10.2021. CTUIL, vide its affidavit dated 18.1.2024 has placed on record the copy of the Ministry of Power's Gazette notification dated 6.12.2021 notifying the transmission scheme.

6. The BPC, RECPDCL its affidavit dated 14.12.2023, has submitted a copy of the summary of bidding conducted by it along with annexures.

7. The Petitioner has submitted that in accordance with the "Guidelines for Encouraging Competition in Development of Transmission Projects" and "Tariff Based Competitive Bidding Guidelines for Transmission Service" (hereinafter referred to as "the Guidelines") issued by the Ministry of Power, Government of India, under Section 63 of the Act, REC Power Development and Consultancy Ltd. (RECPDCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. CG-DL-E-08122021-231686 (No. 4661) dated 6.12.2021 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish "Transmission System for

Evacuation of Power from REZ in Rajasthan (20 GW) under Phase III-Part F", through tariff based competitive bidding process on Build, Own Operate and Transfer (BOOT) basis.

8. RECPDCL, in its capacity as the BPC, initiated the bid process on 10.2.2022 and completed the same on 20.9.2023 in accordance with the Guidelines. Sterlite Grid 27 Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 2749.39 million in order to provide transmission services to the beneficiaries of the transmission system.

9. RfP was issued on 10.2.2022. At the RfP (Technical and Financial) stage, four bidders, namely, (i) Power Grid Corporation of India Limited, (ii) Adani Transmission Limited (name changed to Adani Energy Solutions Limited w. e. f 27.7.2023), (iii) Sterlite Grid 27 Limited, and (iv) Megha Engineering and Infrastructures Limited submitted their offers. The RfP (Technical bids) of the four bidders were opened by the Bid Opening Committee on 7.8.2023 in the presence of a representative of the bidders.

10. Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids-Initial Price Offer of the four bidders were opened on 10.8.2023. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 2986.32 million. The details of the quoted transmission charges by bidders are given below:

Sr. No.	Name of the Bidder	Quoted Transmission Charges as per the Initial Offer (in Rs. Million)	Rank
1.	Sterlite Grid 27 Limited	2986.32	L1
2.	Adani Transmission Limited (name	3014.50	L2

	changed to Adani Energy Solutions Limited w.e.f 27.07.2023)		
3.	Megha Engineering & Infrastructures Limited	3076.60	L3
4.	Power Grid Corporation of India Limited	3100.00	L4

11. As per Clause 2.5 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for determination of the Qualified Bidders. The Bidders holding the first fifty percent of the ranks (with any fraction rounded off to a higher integer) or four Bidders, whichever is higher, shall be considered to be qualified for participating in the electronic reverse auction stage and submit their Final Offer.

12. The e-reverse auction of four bidders was carried out at the MSTC portal on 11.8.2023. The following transmission charges, as quoted by each bidder, emerged:

Sr. No.	Name of the Bidder	Transmission Charges as per the Initial Offer (in Rs. Million)	Transmission Charges as per the Final Offer (in Rs. Million)	Rank
1.	Sterlite Grid 27 Limited	2,986.32	2,749 .39	L1
2.	Power Grid Corporation of India Limited	3,100.00	2,756.29	L2
3.	Megha Engineering & Infrastructures Limited	3,076.60	2,919.76	L3
4.	Adani Transmission Limited (name changed to M/s Adani Energy Solutions Limited w.e.f 27.07.2023)	3,014.50	No bid received in electronic reverse auction	L4

13. As per the Bid Evaluation Report dated 17.8.2023, M/s Sterlite Grid 27 Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 2749.39 million. BEC, vide its certificate dated 17.8.2023, has certified that the entire bid process has been carried out in accordance with the Guidelines issued by the Ministry of Power under Section 63 of the Act. BEC has

further certified that the transmission charges discovered through the e-reverse auction are acceptable.

14. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to Sterlite Grid 27 Limited by the BPC on 25.8.2023, which was accepted by M/s Sterlite Grid 27 Limited. Under the terms of RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

(a) Provide Contract Performance Guarantee in favour of Central Transmission Utility of India Limited (CTUIL);

(b) Execute Share Purchase Agreement and Transmission Service Agreement;

(c) Acquire, for the Acquisition Price, 100% share equity share Beawar Transmission Limited from RECPDCL along with all its related assets and liabilities;

(d) Make an application to this Commission for adoption of transmission charges, as required under Section 63 of the Act; and

(e) Apply to this Commission for grant of transmission licence;

15. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e. CTUIL, for Rs. 57.60 crore on 15.9.2023 and has acquired hundred per cent equity holding in Beawar Transmission Limited on 20.9.2023. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 20.9.2023.

16. Section 14 of the Act provides that the Appropriate Commission may, on an application made under Section 15 of the Act, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licence. The word “person” has been defined in Section 2(49) of the Act to include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person. The Petitioner has been incorporated under the Companies Act 2013. The main objective of the Petitioner Company is as under:

“To plan, promote and develop an integrated and efficient power transmission system network in all its aspects including planning, investigation, research, design and engineering, preparation of preliminary, feasibility and definite project reports, construction, operation and maintenance of transmission lines, sub-stations, load dispatch stations and communication facilities and appurtenant works, coordination of integrated operation of state, regional and national grid system, execution of turn-key jobs for other utilities/organizations and wheeling of power in accordance with the policies, guidelines and objectives laid down by the Central Government from time to time”

17. Section 15(1) of the Act provides that every application under Section 14 of the Act shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied by such fees as may be prescribed by the Central Government. The Commission has specified Transmission Licence Regulations in this regard. Regulation 3 of the Transmission Licence Regulations provides that the Empowered Committee shall identify the Projects included in the transmission plan to be developed under the Guidelines issued under Section 63 of the Act. Regulation 4 of the Transmission Licence Regulations provides that in case of projects identified for development under the Guidelines for competitive bidding, the selection of the project developer shall be made in accordance with the procedure laid down in the Guidelines. The Project under

consideration has been identified for development under competitive bidding by a competent authority in the Ministry of Power/CEA. Central Electricity Authority stated that Section 68(1) of the Electricity Act, 2003 pertains to the installation of overhead lines, and since the transmission scheme does not cover any overhead line (s), therefore, the scheme does not qualify for a grant of prior approval of the Government of India under section 68(1) of the Electricity Act, 2003. The selection of the project developer, Beawar Transmission Limited, has been made in accordance with the Guidelines for competitive bidding.

18. Regulation 7 of the Transmission Licence Regulations read with the order dated 22.1.2022 passed in Petition No.1/SM/2022 [whereby the Commission, in the exercise of 'Power to Relax' under Regulation 24 of the Transmission Licence Regulations, modified/amended Clause (4), Clause (7), Clause (9) and Clause (12) and dispensed with Clause (10) of Regulation 7] provide for the procedure for grant of transmission licence as under:

“(1) The application for grant of transmission licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fees as may be prescribed by the Central Government from time to time.

(2) In case of the person selected for implementation of the project in accordance with the guidelines for competitive bidding, the application shall also contain such additional information, as may be required under these guidelines.

(3) The application shall be supported by affidavit of the person acquainted with the facts stated therein.

(4) Before making an application, the applicant shall submit the original application in electronic form along with annexures and enclosures on the e-filing portal of the Commission so that the same is served electronically on all the long-term customers of the project registered on the e-filing portal of the Commission. Also, a copy of the same be served through e-mail on the long term customers of the project not registered on the e-filing portal of the Commission. Further, the applicant shall also post the complete application

along with annexures and enclosures in English and in the vernacular language, on its website.

(5) The application shall be kept on the website till such time the licence is issued or the application is rejected by the Commission.

(6) Immediately on making the application, the applicant shall forward a copy of the application to the Central Transmission Utility.

(7) The applicant shall, within 7 days after filing the application, post the application on the e-filing portal of the Commission and on its website in Form-II attached to these regulations in English language and in Vernacular language of the State or Union Territory where an element of the project or a long-term customer is situated, inviting comments from the general public.

(8) As far as possible, within 7 days of receipt of the application the Secretariat of the Commission shall convey defects, if any, if noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be rectified by the applicant in such time as may be indicated in the letter conveying the defects.

(9) In the notice published on the e-filing portal of the Commission and on the applicant's website under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated), with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice

.....

(10) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application within a period of thirty days from the date of receipt of application by it:

Provided that copy of the recommendations, if any, made by the Central Transmission Utility shall always be forwarded to the applicant:

Provided further that these recommendations of the Central Transmission Utility shall not be binding on the Commission.

(11) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the notice posted on the e-filing portal of the Commission and on the applicant's website by him, within 45 days of service of copy of the application on the Central Transmission Utility or publication of notice posted on the e-filing portal of the Commission and on the applicant's website, with an advance copy to the

Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.

(12) The Commission after considering the suggestions and objections received in response to the public notice published by the applicant and the recommendations, if any, of the Central Transmission Utility may, propose to grant transmission licence or for reasons to be recorded in writing, reject the application.”

19. The Petitioner has approached the Commission with a separate application for the adoption of transmission charges in respect of the transmission system, which is presently under consideration of the Commission, and the order in that Petition will be issued separately. The Petitioner has filed the present Petition for grant of a transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the BPC CTUIL and Western Region beneficiaries and proof of web posting of the complete application. The Petitioner has further undertaken to pay the applicable licence fee upon the grant of transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for the grant of a transmission licence to Beawar Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

20. The Petitioner has made the Application as per Form-I and paid a fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served a copy of the Application on the beneficiaries of the transmission project for the Project. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 2749.39 million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

21. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English language and in Hindi (Vernacular) language. No objection has been received from the general public to the notices.

22. The Petitioner has served the copy of the Application on the Central Transmission of Utility of India Limited (CTUIL) as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTUIL, vide its letter dated 31.10.2023 has recommended for the grant of a transmission licence to the Petitioner. The Relevant portions of the said letter dated 31.10.2023 are extracted as under:

“This is with reference to Petition No. 332/TL/2023 filed by M/s BTL before Hon’ble Commission for grant of Transmission License to facilitate implementation of Transmission System for Evacuation of Power from REZ in Rajasthan (20 GW) under Phase III - Part F. In this regard, following is submitted:

- In order to integrate and evacuate power from additional 20 GW renewable potential of Renewable Energy Zones (Fatehgarh: 9.1 GW, Bhadla: 8GW, Ramgarh: 2.9 GW) in Rajasthan, various transmission alternatives were evolved and deliberated in the 3rd NRPC-TP meeting held on 19.02.21. Based on the discussion, Transmission System for Evacuation of Power from REZ in Rajasthan (20 GW) under Phase III (hybrid (EHVAC& HVDC) transmission system) was agreed in above meeting for evacuation of power from above zones. Extract of the minutes of 3rd NRPC-TP meeting are enclosed at **Annexure-I**. The subject transmission project was also agreed as part of above- mentioned transmission scheme.*
- Subsequently transmission scheme was agreed in the 5th meeting of National Committee of Transmission (NCT) held on 25.09.2021 & 02.09.2021. Transmission Scheme was also agreed in the 49th NRPC meeting held on 27/09/2021.*
- Ministry of Power Govt, of India vide gazette notification dated 06.12.2021 has identified M/s REC Power Development and Consultancy Ltd. (RECPDCL) as Bid Processing Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the above referred project through TBCB route. Subsequently, +2x300 MVAR STATCOM along with 4x125MVAR MSC, 2x125MVAR MSR at Fatehgarh-III PS (Section-2) was also agreed to be implemented in 11th NCT meeting held on 28.12.2022 &*

17.01.2023 as part of subject transmission scheme.

- *Bid Evaluation Committee appointed by the BPC has selected Sterlite Grid 27 Limited as successful bidder. Sterlite Grid 27 Limited has subsequently acquired Beawar Transmission Ltd. after execution of the requisite Share Purchase Agreement (SPA) on 20.09.2023.*
- *As part of subject scheme, 2x1500MVA, 765/400kV Beawar S/s, LILO of both circuits of 765kV Ajmer - Chittorgarh D/c line at Beawar, LILO of Kota - Merta 400kV line at Beawar and its interconnection with Fatehgarh-III PS (Section-II) through 765kV D/c line is to be established with completion schedule as 18 months from effective date. +2x300 MVAR STATCOM along with 4x125MVAR MSC, 2x125MVAR MSR at Fatehgarh- III PS (Section-2) is also to be established as part of above scheme with completion schedule as 24 months from effective date. 765/400/220kV Fatehgarh-III PS (Section- II) is to be implemented by POWERGRID Ramgarh Transmission Ltd. with expected commissioning schedule as 01.02.2025. Further, Kota, Merta, Ajmer and Chittorgarh are existing sub-stations. Implementation of this project shall facilitate transfer of power from RE generation (About 3GW) proposed to be connected in Fatehgarh Complex.*
- *It is also to mention that part (about 63%) of Fatehgarh-III - Beawar 765kV D/c line falls in GIB Potential area. Further, the Committee constituted by Hon'ble Supreme Court, comprising of members from MNRE, WII and Corbett Foundation, vide its letter dated 02.03.2023 has ratified overhead laying of Fatehgarh-III - Beawar 765kV D/c line (under present application) with the stipulated conditions including installation of bird diverters.*

Keeping above in view and based on details furnished by M/s BTL, CTU, in line with Section 15(4) of the Electricity Act, 2003, recommends grant of transmission license to M/s BTL for executing the subject transmission scheme.”

23. We have considered the submissions of the Petitioner, BPC and CTUIL. The proviso to Clause 2.15.2 of the RfP provides that "if for any reason attributable to the BPC, the said activities are not completed by the Selected Bidder within the above period of ten (10) days as mentioned in this clause, such period of 10 days shall be extended, on a day to day basis till the end of the Bid validity period". As per the above provision, the selected bidder was required to complete all the activities, including the acquisition of SPVs, by 4.9.2023. Though Lol was issued on 25.8.2023, BPC, vide its letters dated 20.9.2023 in terms of Clauses 2.15.2 of RfP, extended the date up to 27.9.2023 for completion of all activities by the successful bidder. The

selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 57.60 crore on 15.9.2023 and acquired a hundred per cent equity-holding in the applicant company on 20.9.2023 after execution of the Share Purchase Agreement. As per clause 2.15.4 of the RfP, TSP is required to apply to the Commission for the grant of a transmission licence within five working days of the issuance of the acquisition of the SPV to the successful bidder. The successful bidder, namely, Beawar Transmission Limited, acquired the SPV on 20.9.2023. Accordingly, the TSP has filed the instant Petition through e-filing for the adoption of transmission charges on 27.9.2023. There is a two-day delay in filing the Petition. In this regard, the Petitioner has requested to condone the delay. Since the Petitioner could not file the Petition due to procedural delay, we condone the two-day delay in filing the Petition.

24. Considering the material on record, we are *prima-facie* of the view that the Petitioner satisfies the conditions for the grant of inter-State transmission licence under Section 15 of the Act read with Transmission Licence Regulations for construction, operation and maintenance of the transmission system as described in para 1 of this order. We, therefore, direct that a public notice under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to the grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by **20.2.2023**.

25. The Petitioner has undertaken that it shall implement the Project as per the provisions of the TSA. The Petitioner has also undertaken that the time overrun and cost overrun, if applicable, shall be claimed by the Petitioner in accordance with the applicable provisions of the TSA read with the provisions of the Act, the bidding documents and the regulations of the Central Electricity Regulatory Commission.

26. It is observed that as per Article 5.1.1 of the TSA, the TSP, at its own cost and expense, shall be responsible for designing, constructing, erecting, testing and commissioning each element of the Project by scheduled COD in accordance with the various regulations of the Central Electricity Authority regarding Technical Standards and Grid Standards, Prudent Utility Practices and other applicable laws. Further, Article 5.4 of the TSA provides that the TSP shall ensure that the Project is designed, built and completed in a good workman-like manner using sound engineering and construction practices and using only materials and equipment that are new and of international utility-grade quality such that the useful life of the Project will be till the expiry date. Further, the design, construction and testing of all equipment, facilities, components and systems of the Project shall be in accordance with Indian Standards and Codes issued by the Bureau of India Standards. In this regard, the Petitioner has submitted that it would implement the Project as per the provisions of the TSA, including Article 16.4, Article 5.1.1 and Article 5.4 of the TSA. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clause 2.5.7.3, clause 2.5.7.4 and clause 2.5.7.5 of the RfP. The Petitioner will comply with the provisions of the bidding documents and the TSA for the commissioning of the Project within the SCOD.

27. The Petition shall be listed for the hearing on **26.2.2023**.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson